

Senator Dillard moved a call of the Senate. Call sustained.

Senator Wood moved to adjourn.

Senator Westfall rose to a point of order.

While he was endeavoring to state his point of order, the Senate, on the motion made by Senator Wood, adjourned until 10 o'clock A. M. to-morrow.

### THIRTY-FIFTH DAY.

SENATE CHAMBER, )  
AUSTIN, February 20, 1875. )

Senate met pursuant to adjournment, Lieutenant-Governor Hubbard presiding; roll called: quorum present. Prayer by Rev. A. G. Stacey, of Austin.

On motion of Senator Joseph, the reading of the journal of yesterday was dispensed with.

Senator Dillard presented a petition from citizens of Trinity county, "Asking that a portion of Trinity county be detached, and the same added to Polk County." Read and referred to Committee on Counties and County Boundaries.

Senator Wood, for Judiciary Committee, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 688, "An act to amend 'an act to adopt and establish a Penal Code for the State of Texas,' " and recommend its passage.

Wood, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, ask leave to report back to your honorable body, Senate bill No. 687, "An act prescribing the mode of service on absent defendants," and recommend its passage, with the following amendments:

1st. By striking out the word "successive" in line nineteen.

2d. By inserting in line nine, after the word "resident," the following words: "Or transient person, or that his residence is unknown."

3d. Amend caption to read as follows: "An act prescribing the mode of service in certain cases."

4th. By adding the following proviso to section two: *Provided*, that service of certified copy of petition by any person competent to make oath of the fact, upon any absent or non-resident defendant, may be made outside of the limits of the State, and the oath of the party making such service, shall be sufficient return. The return shall show when and where said copy was delivered to the defendant.

WOOD, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 646, "An act to amend 'an act further regulating proceedings in the several courts of the State of Texas,'" and recommend its passage.

WOOD, for Committee.

Senator Hobby presented the following minority report on the same bill as above.

*Hon. R. B. Hubbard, President of the Senate:*

A minority of your Judiciary Committee instruct me to report against the passage of Senate bill No. 646, "An act to amend 'an act further regulating proceedings in district courts,'" approved May 19, 1871, which repeals the present law authorizing parties interested in civil suits to testify in their own behalf.

HOBBY, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 671, "An act to amend an act entitled 'an act to establish a Code of Criminal Procedure for the State of Texas,'" and recommend that it do pass.

WOOD, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 665, "An act creating a lien in favor of hotel and boarding house keepers, and proprietors of livery or other public stables, and providing for the enforcement of the same," and recommend its passage.

WOOD for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 667, "An act to

amend 'an act to establish a Code of Criminal Procedure for the State of Texas,' and recommend its passage.

WOOD, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Judiciary Committee ask leave to report back to your honorable body, Senate bill No. 707, "An act to amend section 324 of 'an act prescribing the mode of proceeding in the district courts in matters of probate,'" and recommend its passage. WOOD, for Committee.

Senator Ellis, Chairman Committee on Militia, submitted the following reports :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Militia, to whom was referred Senate bill No. 701, "An act to incorporate the Travis Rifles, of the city of Austin," have had the same under consideration, and instruct me to report the same back, with the following amendments, and recommend the passage of the bill as amended.

Amendments : 1st. Strike out all of section 3. 2d. Strike out so much of section 7 as exempts the officers and members of said company from jury duty. 3rd. Amend section 8, by adding at the close thereof, the following words : "*Provided*, that the Governor or Adjutant General shall have the right at any time to refuse to furnish arms and ammunition upon the requisition of the captain of said company ; and may at any time, demand of the captain of said company a surrender of all arms, ammunition and equipments furnished said company by the State. 4th. Amend section 12 so that it read : "Section 12. Said company shall at all times, be subject to the orders of the Governor, for the suppression of organized revolt or insurrection against the regularly constituted authorities of the State, and for the purpose of preventing the invasion of the State by a public enemy ; *provided*, that said company shall not be ordered to any point out of the county of Travis, except in cases of the invasion of the State by a public enemy.

ELLIS, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Militia, to whom was referred Senate bill No. 711, "An act to incorporate the Long Prairie

Rifle Association," have had the same under consideration, and instruct me to report the same back, with the recommendation that it do not pass. The creation of such companies or associations are fully provided for under the general incorporation of the State. ELLIS, Chairman.

A message was received from the House, announcing the passage by that body of Senate bill No. 616, "An act to incorporate the Red River and Rio Grande Railway Company, and to authorize the building of branches thereto, and to grant lands to aid in the construction thereof," with amendments by the House.

Also, Senate bill No. 504, "An act supplemental to and amendatory of 'an act to incorporate the Austin and Pacific Short Line Railway Company,' " with amendment by the House.

Also, that the House concurs in Senate amendment to House bill No. 675, "An act to authorize the county court of Collin county to issue bonds."

Senator Russell, for Judiciary Committee, submitted the following report :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred the petition of sundry citizens of Eagle Pass, Maverick county, have carefully considered the same, and instruct me to report the accompanying bill, and recommend its passage.

WM. H. RUSSELL, for Committee.

The title of the bill referred to, is : "An act to regulate the keeping and bearing of deadly weapons in the cities and towns of this State." Read first time.

Senator Hobby, for Committee on Internal Improvements, submitted the following report :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements, to whom was referred the petition of citizens of McLennan county, "Asking the incorporation of certain persons offering to construct a turnpike road from Waco to Belton, and other places," having duly considered the same, report the accompanying bill, and recommend its passage.

HOBBY, for Committee.

The title of the bill referred to, is : "An act to incorporate the Waco, Belton and Gatesville Turnpike Company." Read first time.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and find correctly enrolled Senate bill No. 603, "An act to enable all incorporated cities in this State, to levy a special tax for the preservation of the public health," and have this 20th day of February, 1875, at 10 o'clock A. M., presented the same to the Governor for his approval.

WM. H. WESTFALL, for Committee.

Senator Westfall introduced a bill entitled "An act to authorize the county court of San Saba county to issue bonds." Read first time and referred to Judiciary Committee.

Senator Wood introduced a bill entitled "An act to regulate office fees to be charged by the Comptroller of Public Accounts." Read first time and referred to Judiciary Committee.

Senator Shepard introduced a bill entitled "An act to provide for the distribution of taxes collected for the building and repairing of school houses in certain school districts, in newly created counties." Read first time and ordered to lie on the table.

Senator Morris introduced a bill entitled "An act to authorize the Governor to offer a reward for the murderers of Wiley P. Pridgen." Read first time and referred to Finance Committee.

Senator Ireland introduced a bill entitled "An act to facilitate and aid in the erection of bridges across certain streams." Read first time and referred to Judiciary Committee.

Senator Ireland offered the following resolution :

*Resolved*, That the report of Colonel Hatch, United States army, Colonel commanding the ninth cavalry, now stationed on the Rio Grande frontier, made to the Assistant Adjutant General, Department of Texas, of date February 3d, 1875, be referred to the Joint Committee on Frontier Depredations, with instructions to said committee to report by bill or otherwise. Adopted.

Senator Allison introduced a joint resolution, "Instructing our Senators and Representatives in Congress to use their influence to the amending of our postal laws, so that

all matter passing through the mails shall be regulated by weight entirely, and without any distinction between printed and written matter." Read first time.

On motion of Senator Joseph, the rules were suspended, and House bill No. 802, "An act to transfer the jurisdiction of the estate of Thomas J. Chambers, deceased, from the courts of the county of Galveston, to the courts of the county of Falls," was taken up and read first time.

On motion of Senator Davenport, the bill was indefinitely postponed.

Senator Shepard moved to reconsider the vote just taken, and to lay the motion to reconsider on the table. Adopted.

On motion of Senator Davenport, the rules were suspended and Senate bill No. 616, "An act to incorporate the Red River and Rio Grande Railway Company, and to authorize the building of branches thereto, and to grant lands to aid in the construction thereof," was taken up, pending amendments by the House.

On motion of Senator Westfall, the Senate refused to concur in first amendment.

On motion of Senator Westfall, the Senate concurred in second House amendment.

On motion of Senator Hobby, the rules were suspended and Senate bill No. 707, "An act to amend section 324 of 'an act to prescribe the mode of proceeding in district courts, in matters of probate,'" was taken up, read second time and ordered engrossed.

On motion of Senator Hobby, the rules were suspended, bill read third time and passed.

On motion of Senator Baker, the rules were suspended and Senate bill No. 574, "An act to require judicial notice to be taken of certain private laws," was taken up and read second time, pending an amendment by the Committee.

The amendment was adopted. The bill, as amended, was ordered engrossed.

On motion of Senator Wood, the rules were suspended, bill read third time and passed.

On motion of Senator Wood, the rules were suspended, and Senate bill No. 504; "An act supplemental to and amendatory of 'an act to incorporate the Austin and Short Line Railroad Company,'" was taken up, pending an amendment by the House.

On motion of Senator Wood, the bill was referred to Committee on Internal Improvements.

On motion of Senator Ireland, the rules were suspended, and the Senate reconsidered the vote by which the Senate refused to pass Senate bill No. 459, "An act to incorporate the Guadalupe Cotton Manufacturing Company."

Senator Russell offered the following amendment: "Strike out all relating to exemptions from taxation." Adopted.

Senator Hobby offered the following amendment: "Strike out that part which exempts the company from taxation." Lost.

The question then being on the final passage of the bill, it was passed by the following vote:

YEAS—Senators Allison, Baker, Burton, Culberson, Craven, Dillard, Davenport, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Russell, Shepard, Stirman, Swift and Westfall—23.

NAYS—Senator Bradshaw—1.

The unfinished business of yesterday being the reconsideration of the vote by which the Senate refused to pass House bill No. 803, "An act for the relief of James F. Lyon," it was taken up.

Senator Dillard moved a call of the Senate. Call sustained.

Absent—Senators Wood and Randle.

The sergeant-at-arms was dispatched for absent Senators.

On motion of Senator Dillard, the call was suspended.

Senator Erath offered the following amendment:

"*Provided*, this act shall not be so construed as to authorize the said person to sell intoxicating liquors without license." Adopted.

Senator Culberson offered the following amendments: 1st. Amend by adding the words, after Lyon, in section one, "and James Hays, of Titus county." 2d. "Strike out that portion of the bill which exempts property from taxation."

A division of the question being called for, the first clause of the amendment was lost.

The second clause was adopted by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Burton, Culberson, Dillard, Davenport, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ledbetter, Morris, Parker, Russell, Shepard, Stirman, Westfall and Wood—22.

NAYS—Senators Ireland, Joseph and Swift—3.

Senator Dillard offered the following amendment: "Add the name of Luther White, of Cherokee county." Lost by the following vote:

YEAS—Senators Dillard, Ireland, Joseph, Morris and Russell—5.

NAYS—Senators Allison, Ball, Baker, Bradshaw, Burton, Culberson, Davenport, Dwyer, Ellis, Erath, Flanagan, Hobby, Ledbetter, Parker, Shepard, Stirman, Swift, Westfall and Wood—19.

Senator Russell offered the following amendment: "*Provided*, that the capital of said Lyons shall not exceed \$2000." Lost.

Senator Shepard offered the following amendment:

*Provided, further*, that the business carried on under this act shall be the sole business of said Lyons, conducted in good faith; and he shall not engage in business at more than one place at a time. Adopted.

The question then recurring on the passage of the bill, as amended, it passed, by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Burton, Davenport, Dwyer, Ellis, Erath, Flanagan, Ireland, Joseph, Ledbetter, Parker, Shepard, Stirman, Swift and Westfall.—18.

NAYS—Senators Culberson, Dillard, Friend, Hobby, Morris, Russell and Wood—7.

On motion of Senator Shepard, the rules were suspended, and the bill introduced by him this morning, entitled, "An act to provide for the distribution of taxes collected for the building and repairing of school houses, in certain school districts in newly created counties," was taken up, read second time and ordered engrossed.

On motion of Senator Shepard, the rules were suspended, bill read third time and passed.

On motion of Senator Stirman, the rules were suspended, and Senate bill No. 595, "An act to authorize the town of Kaufman to aid in the construction of the Kaufman Tap Railroad," was taken up, and read second time.

The Senate refused to engross the bill, by the following vote:

YEAS—Senators Burton, Dwyer, Flanagan, Joseph and Stirman—5.

NAYS—Senators Baker, Bradshaw, Craven, Dillard, Davenport, Erath, Hobby, Ireland, Ledbetter, Morris, Parker, Shepard, Swift, Westfall and Wood—15.

On motion of Senator Westfall, the rules were suspended and Senate bill No. 677, "An act for the relief of O. M. Jackson," was taken up, and also substitute therefor, recommended by committee, said substitute being entitled "An act for the relief of Oscar M. Jackson."

Substitute read first time and adopted. Rules suspended, and substitute read second time.

Senator Swift offered the following amendment: In section one, after the word "services," add the following words, "and horse and arms furnished." Adopted.

The bill, as amended, was then ordered engrossed.

Rules suspended, bill read third time and passed, by the following vote:

YEAS—Senators Baker, Bradshaw, Craven, Dillard, Davenport, Dwyer, Ellis, Erath, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Russell, Stirman, Swift, Westfall and Wood—19.

NAYS—Senators Allison and Burton—2.

On motion of Senator Ireland, the rules were suspended and House bill, "An act to amend an act entitled an act to amend an act entitled 'an act to adopt and establish a Penal Code,' approved August 26, 1856; approved October 18, 1871, was taken up and read second time, pending an adverse report from Judiciary Committee.

On motion of Senator Ireland, the Senate refused to adopt the report of the committee, and the bill was ordered engrossed.

On motion of Senator Ireland, the rules were suspended, bill read third time and passed.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared: Senate bill No. 650, "An act to incorporate the Dallas and Southwestern Narrow Gauge Railroad Company, and to aid in the construction of said road." Senate bill No. 697, "An act regulating and providing for the collection of fees by the clerk of the Supreme Court." Senate bill No. 706, "An act supplemental to and amendatory of 'an act to incorporate the South Western University,'" approved February 6th, 1875. Senate bill No. 640, "An act supplementary to 'an act for the benefit of actual occupants of the public domain,'" approved May

26th A. D. 1873. Senate bill No. 610, "An act to incorporate the Alexander Institute, located at Kilgore, in Gregg county, and to prohibit the sale of spirituous liquors within two miles of said institution." Senate bill No. 448, "An act to provide for the instruction of the pupils of the institution for the deaf and dumb in the art of printing," and find all of same correctly engrossed.

SETH SHEPARD, for Committee.

On motion of Senator Hobby, the rules were suspended, and Senate joint resolution No. 658. "To amend sections 6 and 7, article 5, and sections 45 and 46, of article 12 of the constitution," was taken up and read second time.

Senator Hobby offered the following amendment: Strike out the words "the right to abolish or alter the districts."

Senator Ireland offered to amend the amendment by striking out the words "or alter." Adopted.

The amendment of Senator Hobby, as amended, was then adopted.

Senator Wood offered the following amendment:

That section 8, article 9, of the constitution of the State, shall hereafter read as follows: "Section 8. The public lands heretofore given to the respective counties in this State, or that may hereafter be given to such counties as have not received lands for educational purposes, shall belong to the counties respectively, to be sold by such counties, the principal fund invested and the interest arising from such principal fund, appropriated by the county courts of the respective counties for the purpose of education, in their respective counties, as may be prescribed by law." Adopted.

Senator Parker offered the following amendment: Strike out the word "twelve," and insert the word "ten" wherever it relates to interest. Lost.

The following amendment was proposed by the Committee on Constitutional Amendments:

That section 2, of article 5, shall hereafter read as follows: "There shall hereafter be elected, at the first general election after the adoption of this amendment, and every nine years thereafter, five Judges of the Supreme Court, who shall hold their office for the period of nine years, whose salary shall be four thousand five hundred dollars. The judge receiving the highest number of votes shall be the Chief Justice, and commissioned as such."

Senator Wood moved to amend by striking out the word "nine" before the word "years" and insert "seven."

On motion of Senator Ellis, the joint resolution, amendments of the committee, and all other proposed amendments were postponed until Monday next, at 11 o'clock A. M., made special order for that day and hour, one hundred copies ordered printed for the use of the Senate, and to continue as said special order from day to day until disposed of.

On motion of Senator Flanagan, the Senate adjourned until at 10 o'clock A. M. Monday.

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### THIRTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, February 22, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by Rev. Dr. Dodge, of Austin.

On motion of Senator Erath, the reading of the journal of Saturday was dispensed with.

Senator Flanagan offered the following resolution:

*Resolved*, That this being the anniversary of the birthday of George Washington, and appropriately made a national holiday by law, the Senate stand adjourned until 10 o'clock A. M. to-morrow.

Senator Ireland moved that the consideration of the resolution be postponed until 12 o'clock M.

Senator Flanagan stated that rather than have the consideration of said resolution postponed, he would withdraw the same. Resolution withdrawn.

Senator Wood submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee of Free Conference on the part of the Senate and House, to whom was referred Senate joint resolution No. 447, concerning Louisiana, have carefully considered the same, and most respectfully recommend that the House recede from its substitute for the fourth section of said joint resolutions, and that the fourth section of said joint resolutions, as passed by the Senate, be